

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Irrigation & CAD Department – Allegations of corruption against Sri Ravi Appaiah, Executive Engineer (Retd.) , formerly worked at Irrigation & CAD Department, Water Shed Management Management Division, Venkatagiri, Nellore District - Found guilty of the charges and convicted by the Hon'ble Court of Special Judge for SPE & ACB Cases, Nellore in its Judgement dated 30-07-2010 in C.C.No.1/2004 – Imposition of punishment of withholding of pension and gratuity in full permanently against the accused officer Sri Ravi Appaiah, Executive Engineer (Retd.) – Orders – Issued.

IRRIGATION & C.A.D. (IW:SERVICES-VI(1) DEPARTMENT

G.O.Ms.No. 104.

Dated 14 -10-2010.

Read the following:-

1. Radio Message from the Director General, Anti-Corruption Bureau, Hyderabad, dated 'NIL'.
2. Govt. Memo.No.75645/Ser.VI(1)/2003-1, dated 27-06-2003.
3. From the Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad, Proceedings No.Rc/ENC/S3/18048/2003, dated 28-06-2003.
4. From the Director General, Anti-Corruption Bureau, Hyderabad, Letter C.No.136/RCT-NNL/2003, dated 27-08-2003.
5. G.O.Ms.No.193, Irrigation & CAD (Ser.VI(1) Department, dated 17-11-2003.
6. G.O.Rt.No.1743, Irrigation & CAD (Ser.VI(1) Department, dated 29-11-2005.
7. From the 1 Addl. District & Sessions Judge, (FAC) Special Judge for SPE & ACB Cases, Nellore in its Judgement dated 30-07-2010 in C.C.No.1/2004.

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ORDER:

In the reference 1st read above, the Director General, Anti-Corruption Bureau, Hyderabad has informed that Sri Ravi Appaiah, Executive Engineer, Irrigation, Venkatagiri, Nellore District was caught red handed by the Anti-Corruption Bureau officials on 11-06-2003 at his Office when he demanded and accepted a bribe of Rs.10,000/- from the complainant to do an official favour.

2. In the reference 2nd read above, the Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad was requested to place Sri Ravi Appaiah, Incharge Executive Engineer, Irrigation, Venkatagiri, Nellore District under suspension and send compliance report to Government.

3. In the reference 3rd read above, Orders were issued placing Sri R.Appaiah, Incharge Executive Engineer, W.S.M.Division, Venkatagiri, Nellore District under suspension from the date of communication of the order.

4. In the reference 4th read above, the Director General, Anti-Corruption Bureau, Hyderabad in his Final Report has stated that the accused officer Sri Ravi Appaiah, Executive Engineer, Irrigation & CAD Department, Water Shed Management Division, Venkatagiri, Nellore District has demanded and accepted a bribe of Rs.10,000/- from the complainant Sri Vendoti Narayana Reddy of Karaballavolu Village, Ozili Mandal, Nellore District on 11-06-2003 for doing an official favour. He has recommended to prosecute the accused officer Sri Ravi Appaiah, Executive Engineer, Irrigation & CAD Department, Water Shed Management Division, Venkatagiri, Nellore District in a competent Court of Law under Prevention of Corruption Act, 1988.

(P.T.O.)

5. In the reference 5th read above, Government have accorded sanction for prosecuting the accused officer Sri Ravi Appaiah, Executive Engineer, Irrigation & CAD Department, W.S.M.Division, Venkatagiri, Nellore District in a competent Court of Law under Prevention of Corruption Act, 1988.

6. In the reference 6th read above, orders were issued reinstating the accused officer Sri R.Appaiah, Incharge Executive Engineer (Under suspension) into service as per G.O.Ms.No.86, General Administration (Ser.C) Department, dated 08-03-1994 without prejudice to the disciplinary proceedings pending against him and to post him to a non-focal post.

7. In the reference 7th read above, the 1 Addl. District & Sessions Judge, (FAC) Special Judge for SPE & ACB Cases, Nellore in its Judgement dated 30-07-2010 in C.C.No. 1/2004 held that “As already referred PWs.2 and 7 are independent witnesses, they have no motive whatsoever against the accused, the official favour was pending with the accused, for doing official favour, he has accepted bribe of Rs.10,000/- from PW.1, and by drawing legal presumption under Section 20(1) of the Act, the Court finds that the accused being public servant for doing official favour, accepted illegal gratification of Rs.10,000/- from PW.1, and thereby his acts clearly attract the ingredients of Section 7 and also under Section 13(1)(d) of Prevention of Corruption Act, 1988. So, considering the overall evidence, the Court finds that the accused guilty for the charge under Sections 7 and 13(1)(d) read with 13(2) of Prevention of Corruption Act, 1988. The accused is questioned with regard to quantum of sentence under Section 248(2) Cr.P.C. He pleaded that he is aged 62 years, he is suffering with Hypertension and diabetes, his aged mother is depending upon him and pleaded mercy. He was also retired from service. Considering the facts and circumstances, the status of the accused, the Court is of the considered view that a lenient sentence can be awarded to meet the ends of justice. In the result, Accused is found guilty, he is convicted under Section 248(2) Cr.P.C., and sentenced to undergo rigorous imprisonment for six (6) months and to pay a fine of Rs.500/- (Rupees five hundred only) in default to suffer simple imprisonment for one (1) week for the offence under Section 7 of Prevention of Corruption Act, 1988. He is further sentenced to undergo rigorous imprisonment for a period of one (1) year and to pay a fine of Rs.500/- (Rupees five hundred only), in default to suffer simple imprisonment for one (1) week for the offence under Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988. Total fine is Rs.1,000/-. Both the sentences of imprisonment shall run concurrently. The period in custody earlier if any shall be set off under Section 428 of Cr.P.C.

8. Government have examined the entire matter carefully and decided to impose the punishment of withholding of pension and gratuity in full permanently against the accused officer Sri Ravi Appaiah, Executive Engineer (Retd.), formerly worked at Irrigation & CAD Department, Water Shed Management Division, Venkatagiri, Nellore District under Rule 9 of A.P.Revised Pension Rules, 1980, as he was found guilty of the charges and convicted by the orders of 1 Addl. District & Sessions Judge, (FAC) Special Judge for SPE & ACB Cases, Nellore in its Judgement dated 30-07-2010 in C.C.No. 1/2004.

9. Accordingly, it is hereby ordered to impose the punishment of withholding of pension and gratuity in full permanently against the accused officer Sri Ravi Appaiah, Executive Engineer (Retd.), formerly worked at Irrigation & CAD Department, Water Shed Management Division, Venkatagiri, Nellore District under Rule 9 of A.P.Revised Pension Rules, 1980, as he was found guilty of the charges and convicted by the orders of 1 Addl. District & Sessions Judge, (FAC) Special Judge for SPE & ACB Cases, Nellore in its Judgement dated 30-07-2010 in C.C.No. 1/2004.

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10. The Engineer-in-Chief (AW), Hyderabad shall take necessary further action in the matter and acknowledge the receipt of the order.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Ravi Appaiah, Executive Engineer (Retd.), formerly worked at
Irrigation & CAD Department, Water Shed Management Division,
Venkatagiri, Nellore District thro' the Engineer-in –Chief (AW), I & CAD
Dept., Hyderabad
The Engineer-in-Chief (AW), I & CAD Dept., Hyderabad.

Copy to:

The Accountant General (A&E), A.P., Hyderabad.
The Director General, Anti-Corruption Bureau, Hyderabad.
The Secretary to Vigilance Commissioner,
A.P. Vigilance Commission, Hyderabad.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER